

STATE OF MICHIGAN 36TH CIRCUIT COURT 7TH DISTRICT COURT VAN BUREN COUNTY	ESTABLISHMENT OF A MENTAL HEALTH COURT	LOCAL ADMINISTRATIVE ORDER C36 2015-11J D07 2015-11J
		RESCINDS: n/a

Court Address
212 E. Paw Paw Street, Paw Paw, MI 49079

Court Telephone No.
(269) 657-8200

ORDER FOR THE ESTABLISHMENT OF A MENTAL HEALTH COURT PROGRAM

IT IS ORDERED:

This administrative order is issued in accordance with MCL 600.1090, *et seq.* The purpose of this order is to establish an adult mental health court program (MHC) in the 36th Circuit and 7th District Courts to service Van Buren County upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with the statute and are consistent with the *10 Essential Elements of a Mental Health Court* promulgated by the Bureau of Justice Assistance (see attachment A).

1. The court has entered into a memorandum of understanding with each participating county prosecuting attorney in the circuit or district court, a representative or representatives of the community mental health services programs, a representative of the criminal defense bar, and a representative or representatives of community treatment providers and other key parties pursuant to MCL 600.1091. The memorandum of understanding describes the role of each party and is attached.
2. A multidisciplinary group of stakeholders participated in the planning and program design of the mental health treatment court.
3. Team members have familiarized themselves with the operations of an existing mental health court(s) and cross-trained between mental health and judicial systems.
4. The MHC has established eligibility criteria that are consistent with MCL 600.1093 through MCL 600.1095. Criteria, both legal and clinical, are clearly defined for admission.
5. In compliance with MCL 600.1093(3), no participant shall be admitted until a complete preadmission screening and an evaluation assessment are completed. Policies that facilitate timely participant identification, referral, and admission into the mental health court have been developed.
6. All participants shall sign a written agreement to participate in the program in conformance with MCL 600.1094(1)(c). Policies and procedures describing the program length, level of supervision, treatment plan development, requirements for successful completion, expulsion criteria, case disposition whether successful or unsuccessful completion of the program, sanctions, incentives, and other key

program components are developed and will be explained to eligible participants as part of the terms of participation.

7. The MHC shall provide consistent and close monitoring of the participant as required by MCL 600.1096. Policies and procedures on the methods and frequency in which the responsible individuals will monitor participant compliance with the program requirements have been developed.
8. The court shall maintain case files in compliance with the General Records Retention and Disposal Schedule #16 - Michigan Trial Courts, and the Michigan Case File Management Standards. The court has established procedures to ensure substantial compliance with Part 2 of Title 42 of the Code of Federal Regulations and the Health Insurance Portability and Accountability Act (HIPAA) to safeguard the confidentiality of participants' medical records.
9. Pursuant to MCL 600.1099, the coordinating court shall provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the mental health court.
10. The court shall use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the SCAO.

Effective Date: 9/14/15

Date: 9/14/15 Chief Judge Signature: [Signature] Court 31st Circuit
7th District

ATTACHMENT A

The 10 Essential Elements of a Mental Health Court

Essential Element #1 – Planning and Administration

Essential Element #2 – Target Population

Essential Element #3 – Timely Participant Identification and Linkage to Services

Essential Element #4 – Terms of Participation

Essential Element #5 – Informed Choice

Essential Element #6 – Treatment Supports and Services

Essential Element #7 – Confidentiality

Essential Element #8 – Court Team

Essential Element #9 – Monitoring Participant Progress

Essential Element #10 – Sustainability

**STATE OF MICHIGAN
36TH CIRCUIT COURT
7TH DISTRICT COURT
VAN BUREN COUNTY**

**VAN BUREN COUNTY MENTAL HEALTH COURT
MEMORANDUM OF UNDERSTANDING**

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This Memorandum of Understanding (MOU) is entered into the following agency to document the roles and responsibilities of the agency in the planning and operation of the Van Buren County Mental Health Court:

- Van Buren County 36th Circuit Court including the Juvenile Division and 7th District Court
- Van Buren Community Mental Health Authority
- Van Buren County Prosecutor's Office
- Van Buren County Sheriff's Office
- Van Buren County Defense Bar
- Van Buren County District Health Department
- Michigan Department of Corrections (MDOC)

A. Program Description

The Van Buren County Mental Health Court (VBCMHC) is a problem solving court solution for defendants with diagnosable mental health conditions. The program pairs court supervision with access to community resources in an effort to stabilize and monitor participants on the program and prevent future offenses. Operations of the VBCMHC will be in keeping with the Bureau of Justice Assistance's 10 Essential Elements of Mental Health Courts. Van Buren County will operate an adult program and a juvenile program.

B. Mission Statement and Program Goals

The VBCMHC's mission is to improve public safety through effective sentencing, monitoring and treatment of defendants with serious mental illness. In addition to improve public safety, the program's primary goal is to improve the quality of life for defendants with serious mental illness and stop the cycle of incarceration and hospitalization.

Parties to the Van Buren County Mental Health Court agree to work cooperatively in an effort to:

1. Reduce the number of defendants with serious mental illness confined in local or state correctional facilities.
2. Increase the rate of compliance for these defendants.
3. Enhance the quality of life for defendants with mental illness.
4. Coordinate the delivery of services with enforcement from the criminal justice system to maximize the impact of mental health treatment for program participants.

C. Provisions

All parties to the Van Buren County Mental Health Court agree to the following:

1. Designate a judge to preside over the mental health treatment court programs and dockets.
2. Establish a planning committee to develop written program policies and procedures.
3. Establish procedures to be used to determine that defendants have sufficient understanding to participate in the program.
4. Establish points of participant eligibility for the mental health treatment court at post-arraignment or later.
5. Designate primary court personnel responsible for answering questions, serving as liaison to agency personnel, and participating in treatment team meetings and status review hearings.
6. Indicate processes by which court personnel will identify prospective program participants, initially screen for legal and clinical eligibility, and refer prospective program participants to the community mental health service program for further assessment.

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7. Identify the clinical eligibility criteria for the designated target population.
8. Designate team roles, responsibilities, and caseloads.
9. List the procedures court personnel use to relay information regarding prospective participants to the treatment agency to enable them to conduct the psychiatric assessment to determine clinical eligibility.
10. Develop preferred methods, forms, and timetables for exchanging information between court staff and agency personnel regarding court related progress and compliance of program participants, including filing of new criminal charges or technical probation violations and reporting results of drug and alcohol tests.
11. Compile and submit any mandated financial or program progress reports to the appropriate agencies.
12. Comply with all mental health treatment court policies and procedures that have been previously agreed upon by all parties.
13. Work with the community mental health service program to determine consumer representative(s) on the planning committee to represent the interests of participants and their families.

In addition to the above program objectives, each party has specific responsibilities to the VBCMHC program:

36th Circuit Court and 7th District Court

1. Designate and train judges to preside over the Mental Health Court sessions.
2. Designate and train judicial staff to seek and refer defendants who may be eligible for program services.
3. Use incentives and sanctions as deemed necessary for participant success.
4. Maintain and provide access to pertinent court records as necessary to program operations.
5. Designate a program coordinator to serve as a team member, participating in treatment team meetings and status review hearings, as well as serving as a liaison to all other agency partners.
6. Ensure timely grant writing and grant management services.
7. Supervise drug testing to ensure random and frequent testing protocols.
8. Compose and maintain program documents.
9. Organize and document stakeholder meetings.
10. Designate probation staff to handle all presentence and supervision duties for the mental health court caseload and to serve on the team.
11. Supervise program participants who are placed on probation due to a misdemeanor or juvenile offense.
12. Seek and refer probationers who may be eligible for program services as a term of sentencing or as a result of a probation violation.
13. Comply with all mental health treatment court policies and procedures that have been previously agreed upon by all parties.
14. Participate in training on how to screen for eligible participants.
15. Collaborate with the participant and other mental health treatment court team members when developing the treatment plan.

Van Buren Community Mental Health Authority

1. Designate a position to serve as the primary point of contact between the Mental Health Court and the Community Mental Health agency and to serve on their local treatment team.

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2. Provide mental health assessments of defendants referred to the program and care to those participants if accepted to the program.
3. Maintain complete and accurate billing records of all services to be paid by the program.
4. Assist in the development of legal and clinical eligibility criteria.
5. Participate on the planning committee.
6. Comply with all mental health treatment court policies and procedures that have been previously agreed upon by all parties.
7. Identify primary agency personnel responsible for answering questions, serving as liaison to court personnel, and participating in treatment team meetings and status review hearings.
8. Provide a description of services including admissions and discharge criteria available to mental health treatment court program participants and notify the court in writing of any changes in program services offered.
9. Communicate maximum time frames needed for conducting assessments from date of court referral, beginning program participant treatment from date of acceptance, and exchanging progress and compliance information from date of occurrence.
10. Develop preferred methods, forms, and timetables for exchanging information between agency and mental health court docket personnel regarding agency-related progress and compliance of program participants, including appointment attendance, medication compliance, drug and alcohol test results, individualized treatment plan status, progress, changes, agency discharge plans, and recommendations for continuing care or additional service needs.
11. Participate in treatment team meetings and in staffing of cases.
12. Arrange or coordinate with the substance abuse coordinating agency for substance use disorder treatment services for persons with co-occurring mental health and substance use disorders.
13. Provide training to team members on how to screen for individuals exhibiting symptoms of mental illness.
14. Provide information to the mental health court team on relevant mental health confidentiality and recipient rights laws.
15. Screen all potential participants based upon established eligibility criteria.
16. Collaborate with the participant and other mental health treatment court team members when developing the treatment plan.
17. Coordinate activities with assigned probation staff without duplicating supervision activities.

Van Buren County District Health Department

1. Provide, arrange, or coordinate with the community mental health services program for mental health treatment services for persons with co-occurring mental health and substance use disorders.
2. Provide information to the mental health treatment court team on a timely basis regarding participant treatment progress.

Van Buren County Prosecutor's Office

1. Provide a representative to serve as a team member.
2. Act as the gatekeeper for all referrals seeking a downward departure or delayed sentence agreement.
3. Seek and refer defendants who may be eligible for program services.

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4. Assist in the development of legal eligibility criteria.
5. Participate on the planning committee and in the staffing of cases.
6. Designate staff to attend treatment team meetings and court proceedings.
7. Interact with defense counsel in a non-adversarial manner to address pleas and the application of sanctions and incentives.
8. Screen all potential participants based upon established eligibility criteria.
9. Comply with all mental health treatment court policies and procedures that have been previously agreed upon by all parties.
10. Participate in training on how to screen for eligible participants.

Van Buren County Sheriff's Department

1. Provide jail access to program staff to complete the referral and clinical assessment procedures.
2. Cooperate and aid in the identification of in-custody defendants who may be eligible for the program.
3. Attempt to locate and apprehend enrolled participants with outstanding warrants.
4. Participate on the planning committee.
5. Designate an officer(s) who will complete specialized training on identifying individuals with mental illness.
6. Comply with all mental health treatment court policies and procedures that have been previously agreed upon by all parties.
7. Ensure CMH and jail medical staff collaborate on treatment protocols, such as medication, to assist jail residents who are participants in the mental health treatment court program to stabilize their mental illness while they are incarcerated.

Van Buren County Defense Bar

1. Provide a representative to serve as a team member.
2. Be available as counsel to defendants seeking representation at probation violation hearings.
3. Seek and refer defendants who may be eligible for program services.
4. Participate on the planning committee and in the staffing of cases.
5. Attend treatment team meetings and court proceedings.
6. Comply with all mental health treatment court policies and procedures that have been previously agreed upon by all parties.
7. Interact with the prosecutor in a non-adversarial manner to address pleas and the application of sanctions and incentives.
8. Assure that participant procedural and due process rights are protected.
9. Participate in training on how to screen for eligible participants.

Michigan Department of Corrections:

1. Provide a representative to serve as a team member.
2. Supervise program participants who are placed on probation due to a felony offense.
3. Seek and refer probationers who may be eligible for program services as a term of the pre-sentence investigation or as a result of a probation violation.
4. Participate on the planning committee.
5. Designate probation officer(s) to handle felony presentence and supervision duties for the mental health treatment court caseload and to serve on the team.
6. Identify and recommend referrals.

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7. Attend status review hearings and team meetings.
8. Comply with all mental health treatment court policies and procedures that have been previously agreed upon by all parties.
9. Participate in training on how to screen for eligible participants.

D. Methods for Exchanging and Maintaining Confidential Information

All confidential information is to be handled with discretion and care by team members. All team members and stakeholders must abide by the regulations of the Health Insurance Portability Accountability Act (HIPAA) and 42 CFR Part 2. Participating defendants must consent in writing to the release of certain information to the program, and for the exchange of that information between parties as necessary for the operation of the court.

E. Procedures for Conflict Resolution

This memorandum of understanding shall be construed according to the laws of the State of Michigan as to the interpretation, construction and performance. The venue for the bringing of any legal action under this document shall be the County of Van Buren, State of Michigan. In the event that any legal action is commenced in Federal Court, the venue for such legal action shall be the United States District Court, Western District of Michigan, Southern Division. The parties hereto and their offices, employees, and agents shall perform all their respective duties and obligations under this memorandum of understanding in compliance with all applicable federal, state and local laws, ordinances, rules and regulations.

F. Terms of Agreement

This memorandum of understanding is effective as of the dates indicated by the undersigned and shall be subject to further negotiation and revision as required to support the needs of the mental health court program.

G. Fiscal Terms

This memorandum of understanding does not involve an exchange of funds. Any exchange of funds for services rendered as part of the mental health court will be described in a separate contract.

H. Terms and Conditions

All terms and conditions of this agreement are subject to the continuation of mental health court funding.

I. Termination of Memorandum of Understanding

Upon mutual consent of all parties, this memorandum of understanding is subject to further negotiation and revision as required to support the needs of the mental health treatment court program. Any changes shall be in writing and signed by all parties herein or their duly appointed representatives authorized to act on their behalf. This memorandum of understanding may be terminated by any party for any reason by giving a 30 calendar day written notice.

J. Review of the Memorandum of Understanding

This memorandum of understanding will be reviewed on a yearly basis by the Van Buren County mental health court team and revised as necessary upon mutual agreement of all parties.

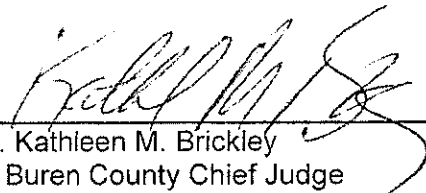
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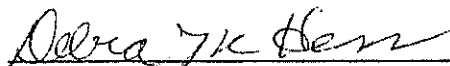
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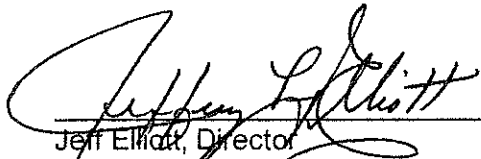
Signatures of Authorized Representatives:


Hon. Kathleen M. Brickley
Van Buren County Chief Judge

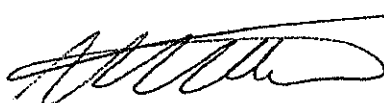
9/3/15
Date


Debra Hess, CEO
Van Buren Community Mental Health Authority

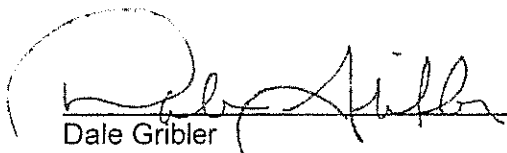
9-4-15
Date


Jeff Elliott, Director
Van Buren County District Health Department

9-4-15
Date


Michael Bedford
Van Buren County Prosecutor

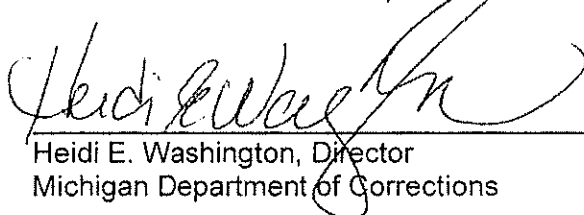
9-2-15
Date


Dale Gribler
Van Buren County Sheriff

9-3-15
Date


Adam Bancroft
Van Buren Defense Bar Representative

9/4/15
Date


Heidi E. Washington, Director
Michigan Department of Corrections

8/20/15
Date

Linda Sekula

From: Region5 Info <Region5-Info@courts.mi.gov>
Sent: Thursday, September 17, 2015 10:43 AM
To: James Becker; Kathleen Brickley; Frank Hardester; Craig A. Hess; Teresa French
Cc: Region5 Info
Subject: Van Buren Order for the Establishment of a Mental Health Court Program - Approved

Order for the Establishment of a Mental Health Court Program - Approved
C36 2015-11J
D07 2015-11J

This is to advise that we have reviewed the above referenced administrative order and find that it conforms to the requirements of MCR 8.112(B). This order is being accepted and filed until advised by your court of any change.

Jill Booth
Region V Administrator
P.O. Box 30048
Lansing, MI 48909
517-373-8679

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